

Arlington Conservation Commission  
Minutes  
February 2, 2017

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room of the Town Hall Annex. Present were Chair Nathaniel Stevens, Commissioners Mike Nonni, Charles Tirone, Susan Chapnick, David White, and Janine White, and Associate member Eileen Coleman. Not present were Commissioner Curt Connors and Associate member Catherine Garnett. Also present were Bruce Whelple, Jonathan Nyberg, Elizabeth Pyle, Rich Kirby, and Town Counsel Douglas Heim

**7:30pm Commission Business:**

Meeting minutes from past meeting discussed and edited. Tirone/JWhite motioned to approve the Meeting Minutes from 1/19/17 with edits; motion passed unanimously.

**Mystic Riverfront Restoration Project**

Ms. Chapnick requested a working session to assist in writing the NOI for the Mystic Riverfront Restoration Project. Ms. Chapnick provided the following documents to each member present: *7 draft plans for the Mystic Riverfront Restoration Project dated February 2017 and prepared by the Town of Arlington Engineering Division, a cover letter written by Ms. Chapnick with William (Bill) Copithorne, Assistant Town Engineer to the Arlington Conservation Commission.*

Ms. Chapnick described the project plan. The town was awarded \$47k for the Project. It is proposed to remove the broken concrete headwall, restore riverbank habitat, stabilize the bank, create riparian habitat with a bench and signage and reroute an existing foot path. The Town will also install a pre-treatment storm basin at a cost of \$15k closer to Park St, though the exact location is undecided. An NOI will not be needed for that if it is placed outside the 200 foot Riverfront Area. Assistant Town Engineer Bill Copithorne has decided not to include the pre-treatment chamber in this NOI.. At \$15k, the stormwater project is in the Town budget for this year. On the advice of Bill Copithorne and Nathaniel Stevens, Ms. Chapnick had decided to proceed with the NOI first.

Ms. White asked if an Army Corps permit would be required for work in the river. Upon examining application and requirements it was noted that Ms. Beckwith, former Conservation Administrator, has completed Form 3/NOI and the project appears to be small enough that it does not require an Army Corps permit. There is also a time of year restriction which can be honored.

Discussed the NOI application: since project entails removal of a headwall, the box "land under water" should also be checked; since the resource area is not marked on plans Mr. Stevens proposed adding the labels "land under water" and "entire project is under Riverfront Area" on page 2 of 7; JWhite/NStevens proposed adding the 100 year floodplain to the drawings; the BLSF box will also be checked if anything falls under the flood area. Ms. White pointed out that compensatory flood storage must match foot by foot (drawings

indicate 500ft<sup>3</sup> gain of storage). Ms. White will email Bill Copithorne and Ms. Chapnick asking Mr. Copithorne to do flood storage calculations.  
Ms. White provided edits for the NOI cover letter.

Mr. Tirone agreed to assist Ms. Chapnick with updates after the meeting. Ms. Chapnick requested that Public Hearing and Permit Hearing be added to agenda for 2/16/17 meeting from 7:35-8:25pm.

7:45pm **Notice of Intent – 18 Nourse Street** (cond'd from 1/19/2017)

At the applicant's request, Tirone/Chapnick motioned to continue this hearing to 2/16/17 at 8:30pm; motion passed unanimously.

8:00pm **Notice of Intent – 88 Coolidge Road** (cond't from 1/19/2017)

Bruce Wheltle, abutter, commenced an audio recording of proceedings.

Mr. Stevens distributed *a memo detailing who/which companies had been invited to provide Peer Review and who responded or was conflicted out*. Mr. Stevens also referred to the *proposals received and distributed from SITEC Engineering, New England Environmental, Inc., Haley & Aldrich and Nobis Engineering*. Epsilon had provided then withdrew proposal.

Discussion of proposals:

Mr. Tirone expressed concern that the proposals are too high-level. He also referenced Wayne Chouinard's thought that the proposal was unnecessary for a single-family house. Mr. Connors commented in abstentia via Mr. Stevens that the Haley & Aldrich proposal was the most responsive as was the Nobis proposal.

Mr. Rich Kirby commented that he had reviewed the proposals and reiterated the goals that Mr. Stevens had written in the request for proposal emails; that the Commission had sought the proposal to answer 1. Whether the project would affect groundwater hydrology due to the underpinning work and 2. What the effects would be on surrounding properties. He stated that it was up to the Peer Reviewers how to achieve these goals. He does not have any conflicts with any of the 4 proposers but would request that the work be done expeditiously.

Attorney Liz Pyle provided comments on the proposals: The proposal from Nobis was the best to determine hydrogeological impact and most responsive about the resource area and abutting properties. The proposal from New England Environmental was the weakest, Kevin McCarthy not being a geologist and he didn't suggest a site visit. Ms. Pyle requested that 1. the Conservation Commission ask Nobis if they feel additional work is necessary. She also requested that 2. brief interviews with 3 neighbors (Bruce Wheltle, Ginny Hutchinson and Greg Genae) be added or those neighbors could write up comments. And that 3. the 2010 Peer Request made by neighbors be included in information given to the peer reviewer chosen

Rich Kirby asked that such interviews be conducted briefly and during the site visit and on the street. He is mindful of the cost of expanding the scope agreed upon.

Ms. Pyle's opinion of the Haley & Aldrich proposal is that the qualifications are good but it didn't include assessing impact on neighbors though it was close to what had been agreed at the Conservation Commission meeting at which the invitation was discussed.

Mr. Stevens had reviewed the proposal from Sitec: includes 4 people with geologist qualifications.

The general consensus was that Nobis and Haley & Aldrich were the frontrunners.

Costs: Haley & Aldrich proposed \$5k if one meeting included and \$6.5 if 2 meetings;  
Nobis proposed \$5k if one meeting included and additional \$1k if 2 meetings.

Chapnick/JWhite proposed and seconded the motion that Nathaniel Stevens, on behalf of the Conservation Commission contact Nobis to ask if they can complete the scope (not including the CC meeting) they proposed within a 1-month period. If they can, the Commission will engage Nobis. If Nobis' turnaround time is more than one month, Mr. Stevens will approach Haley & Aldrich; motion passed unanimously.

DWhite/Nonni motioned to continue this hearing to 3/16/17 at 7:45pm; motion passed unanimously.

8:15pm **Executive Session** – Active Litigation: Seaver Construction Co. v. Arlington Conservation Commission, Middlesex Sup. Ct. Civ. A. No. 1681CV03021

Mr. Stevens announced that the Commission needed to go into executive session to discuss with Town Counsel Doug Heim strategy about active litigation as meeting in open session could compromise the Commission's position. He announced that the Commission would return to open session at the conclusion of the Executive Session. DWhite/JWhite proposed the motion that this meeting be an executive session (closed session). There followed a roll call vote:

Nathaniel Stevens – yea

Mike Nonni – yea

Charles Tirone – yea

Susan Chapnick – yea

David White - yea and

Janine White – yea. Motion passed unanimously.

9:10 p.m. Commission ended executive session and returned to open meeting.

9:10 pm **Commission Updates:**

### **Community Preservation Committee**

Mr. Tirone mentioned that the meeting on Jan 31 had gone well. He asked Clarissa Rowe for clarification on the timing for budget. Mr. Stevens will send a letter addressing

ambitious schedule and desire for funding in one fiscal year, not two.

**Downing Street**

The Housing Corporation knows that trees removed already must be accounted for when they apply for a permit. Jenny Raitt, Planning Department, wants one or two members of the Conservation Commission to meet with the Corporation.

**Waterbodies**

Mr. White confirmed the Water Bodies Committee is still working on the budget for Hills Pond and McClennen Park.

**Temporary Administrator Position**

Jenny Raitt/Nathaniel Stevens have received 4 applications for the open temporary position, 2 of which look acceptable.

Meeting adjourned at 9:50 pm.

Respectfully submitted,

Eileen Coleman, Associate Commissioner